

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- v. -

22 Cr. 352-1 (JSR)

JATIEK SMITH, et al.,

Defendants.

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DECLARATION OF COUNSEL

THOMAS H. NOOTER, being an attorney duly licenced to practice law in the States of New York and California, and in the Courts of the United States, does hereby declare under penalty of perjury and pursuant to 28 U.S.C. §1746, that the following is true:

1. I am a member of the CJA Panel for the Southern District of New York, and was appointed on November 21, 2022 by this Court to replace retained counsel of record for the defendant JATIEK SMITH.

2 I am filing this motion for bail on behalf of my client based on what appears to me to be a) a violation of the little-used portion of the Speedy Trial Act statutes, 18 U.S.C. § 3164, which provides for release on conditions of bail for defendants who were not provided a speedy trial as defined in that statute, and because my client, who has potentially serious medical issues and a broad range of

food allergies, is not being provided with sufficient medical care or food that he can eat at the Metropolitan Detention Center, where he has been house since his arrival in New York in early September, 2022.

3.. I am submitting a declaration of the defendant who makes factual assertions of his own knowledge, and a Memorandum of Law, in which I make factual assertions on information and belief (as almost all of them occurred before I was appointed in this case), the sources of which are a review of the Docket Sheet in this matter, a review of the Docket Sheet of this case when it was in the United States District Court for the District of Puerto Rico (attached as **Exhibit A**), a review of transcripts of almost all of the conferences held before this Court in this matter, conferences with my client, and documents and other evidence provided to me by my client and his wife.

4. On the basis of the request herein I ask the Court to set a date for a conference before the Court, so that these issues can be resolved, and for such other and further relief for my client as may be just and proper.

Dated: New York, New York
February 9, 2022

Yours, etc.,

/s/ Thomas H. Nooter
THOMAS H. NOOTER
Attorney for Defendant Jatiek Smith